

**CLEANUP AND ABATEMENT ORDER NO. 98-43**  
**for the**  
**CITY OF SAN CLEMENTE**  
**ORANGE COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. The City of San Clemente is subject to Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Systems*.
2. Prohibition A.1 of Order No. 96-04 states that the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited.
3. The City of San Clemente has discharged wastes in violation of Order No. 96-04 on March 25, 1998. The first discharge was a result of stormwater surcharge and occurred at a manhole near Victoria and Del Mar, along the walkway near the San Clement pier and resulted in the closure of the beach for 1300 feet near the pier. The volume spilled was approximately 200 gallons. The second discharge, a result of stormwater surcharge and flooding of a pump station, occurred near Riviera Beach (Boca de la Playa) and resulted in the closure of the beach for 1000 yards north and south of the Riviera Street underpass. The volume spilled was approximately 1200 gallons.
5. By sewer overflow report fax dated March 25, 1998, the City of San Clemente reported the spill. The City of San Clemente reported that the above noted spills were caused by surcharge, flood damage and infiltration. The City further reported that no spilled sewage was recovered and that both spills reached the Pacific Ocean.
6. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

**IT IS HEREBY ORDERED** that, pursuant to Section 13304 of Division 7 of the California Water Code:

1. The City of San Clemente shall initiate the necessary remedial and preventative actions to cease the threat of sewage spills from the section

- of pipeline noted in this Order and shall abate the effects of past violations of Order No. 96-04 forthwith.
2. The City of San Clemente shall submit a report by May 30, 1998 that includes the following:
- a. An engineered assessment of the causes of the sewer spills cited in this Order, and
  - b. A description of the City's efforts to abate the effects of the sewer spills, and
  - c. either:
    - (1) A technical report with supporting documentation prepared and signed by registered civil engineer, licensed in the State of California, certifying that the subject section of the City's sewer system will not be subject to excessive infiltration or inflow (I/I) in the future; or
    - (2) If certification cannot be completed by May 30, 1998, the City shall submit a time schedule for completing the necessary studies to determine I/I conditions in the sewer; or
    - (3) If the City is aware or becomes aware that the subject section of the sewer system is susceptible to excessive infiltration/inflow, a plan and time schedule to rehabilitate the subject pipeline.

*Pursuant to California Water Code Section 13350, any person who intentionally or negligently violations a cleanup and abatement order may be liable civilly in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than (\$500), for each day in which the cleanup and abatement order is violated.*

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JOHN H. ROBERTUS  
Executive Officer

Date issued: March 27, 1998  
RWM

File: 01-0758.02